



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Bander, Neil H.

Serial No.: 09/929,546

Filed: August 13, 2001

(Continuation of S.N. 09/357,708 (242/028))

For: TREATMENT AND DIAGNOSIS OF
CANCER

Group Art Unit: 1642

Examiner: Not yet assigned

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the PTO Notice To File Corrected Application Papers, mailed September 10, 2001, Applicant encloses the documents listed below. As required, a copy of this Notice is attached to this response.

- 1) Copy of (PTO) Notice to File Corrected Application Papers *Filing Date Granted*;
- 2) Petition Under 37 CFR § 1.182 to Withdraw Finding of Omitted Items from Application Filing (with Exhibits A - D);
- 3) Check No. 14876 in the amount of \$130.00 for Petition Fee (37 CFR §1.17(h));

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 25, 2001
Date of Deposit

LA-214905.1

Felicia Reyes

Name of Person Mailing Paper

Felicia Reyes
Signature of Person Mailing Paper

- 4) Transmittal of Substitute Drawings Under 37 CFR 1.84;
- 5) 12 sheets of substitute drawings (deemed formal drawings);
- 6) Request for Use of Previously Submitted Computer Readable Form Under 37 CFR §1.821(e).

Applicant respectfully submits that all application items are now in order for the Petition to be granted.

A check is attached herewith to cover the \$130.00 petition fee as requested in the Notice to File Corrected Application Papers. As indicated in the Notice, Applicant respectfully requests that said petition fee be refunded to Applicant, upon grant of the Petition. If any additional fee is due, the Commissioner is authorized to charge counsel for applicant's deposit account 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: October 25, 2001

By: 

Lois M. Kwasigroch
Reg. No. 35,579

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600

#5

Patent
Attorney Docket 266/186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

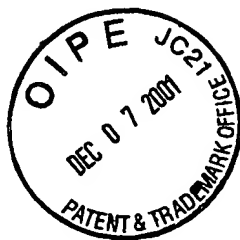
Bander, Neil H.

Serial No.: 09/929,546

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For: TREATMENT AND DIAGNOSIS OF
CANCER



Group Art Unit: 1642

Examiner: Not yet assigned

TRANSMITTAL OF SUBSTITUTE DRAWINGS UNDER 37 CFR 1.84

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to a Notice to File Corrected Application Papers, Applicant transmits herewith substitute drawings (12 sheets) in compliance with the requirements of 37 CFR 1.84. These drawings are deemed formal drawings and are identical to those previously submitted in the parent U.S. Patent Application Serial No. 09/357,708.

No fee is deemed necessary in the filing of the substitute drawings. However, should a fee be deemed necessary, the Commissioner is authorized and requested to charge any amounts due on

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October 25, 2001
Date of Deposit

LA-214802.1

Felicia Reyes

Name of Person Mailing Paper

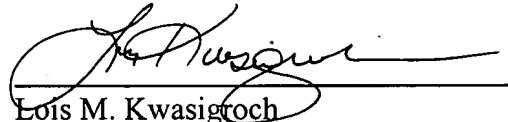
Signature of Person Mailing Paper

account of the present submission to the Deposit Account of the undersigned attorneys, which is:
Deposit Account No. 12-2475.

Respectfully submitted,
LYON & LYON LLP

Dated: October 25, 2001

By: _____


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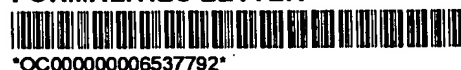
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/929,546	08/13/2001	Neil H. Bander	266/186

CONFIRMATION NO. 3868

FORMALITIES LETTER



OC000000006537792

LYON & LYON LLP
Suite 4700
633 West Fifth Street
Los Angeles, CA 90071-2066



Date Mailed: 09/10/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been omitted from the application:

- Figure(s) 12A-12F described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent
Attorney Docket: 266/186

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In re the Application of:

Neil H. Bander

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Felicia Reyes

Name of Person Mailing Paper

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- 4) Transmittal of Substitute Drawings Under 37 CFR 1.84;
- 5) 12 sheets of substitute drawings (deemed formal drawings);
- 6) Request for Use of Previously Submitted Computer Readable Form Under 37 CFR §1.821(e);

B. INFORMATION DISCLOSURE STATEMENT;

- 1) Form PTO-1449;
- 2) Copies of 40 references cited therein; and

C. RETURN-RECEIPT POSTCARD.

- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475. A copy of this transmittal form is enclosed herewith, in the event that a charge is made to the deposit account.

Respectfully submitted,

LYON & LYON LLP

Dated: October 25, 2001

By: 

Lois M. Kwasigroch
Reg. No. 35,579

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